

**BOARD OF TRUSTEES MEETING
TUESDAY, FEBRUARY 16, 2016 @ 7 PM**

The second of the bi-monthly meetings of the Board of Trustees was held on Tuesday, February 16, 2016 at 7 PM in the Boardroom of the Village Hall, 7 Stage Road, Monroe, NY. Mayor James Purcell called the meeting to order and led in the pledge to the flag. Emergency exits were announced.

Present: Mayor Purcell; Trustees, Conklin, Gormley, Dwyer and Chan
Also present: Attorney Bonacic, Building Inspector Wilkins, DPW Supt. Smith, Police Lieutenant Conklin, and Village Clerk Carey

DELAWARE ENGINEERING RE: CLOSE OUT OF WATER PROJECTS / FUTURE PROJECTS:

Delaware Engineering representatives Mary Beth Biacione and John Burst were present. Engineer Biacione reviewed capital water projects that have been completed in accordance with the Water Master Plan since 2013. The total cost of all the improvements was 4.7 million dollars that included engineering, contingencies and legal fees. The Village borrowed money and completed a number of projects. These projects included generators and controls at the pump stations so that they would operate independently as well as when power outages occur; improvements to the well system. Also, improvements were made to the controls at the water treatment plant, replacement of a number of water lines that were problematic, the installation of a new tank at the reservoir, addressing the backwash at the water plant and additional water resources. To date all of those improvements have been completed. For 2016 there are plans for the backwash lagoon reconstruction and development at the plant. There are plans for well permits for Well #5 at the Race Track Property. Improvements for transit / undersized pipe replacement and transmission line restoration and two lines from the reservoir through "back country", original lines from 1895 that need to be repaired or replaced. These 4 projects need funding so they will be done according to cost priority. Questions followed on past and future projects. Improvements made at the treatment plant included a modern control system / odor control center. The plant functions much better as a result. The Village has enough water capacity for the development taking place. DPW Supt. Smith reviewed project improvements completed to date and the positive effect on the water system. Some of the work was done in-house saving money. We know how much water is filtrated at the plant and how much is billed so we know when there is a break or a leak. That has helped from a fiscal perspective. Replacing water lines has decreased the number of leaks. This has been a great managing tool from a fiscal standpoint. Currently our water usage is 800,000 gallons and 1.3 million all through the summer months. We are capable of putting out 2.1 million gallons of water. The question of whether the Village can support water usage for remaining developments, the answer is yes. The media in the filters was never changed. This will be rectified. Filters are designed to run a certain number of hours without any loss. We are running 19 hours without any loss. We have the manufacturer coming. The filters will be cleaned and washed down which will help. Once that is done we shouldn't have a problem running 1.7 or 1.8 turbidly. This is catch-up maintenance. Media replacement should be done every 10 years and maintenance annually. Well exploration is to have supplemental water for peak days as well as storage.

Mayor Purcell commented that we secured a grant through Senator Larkin's office in the amount of \$200,000, 100,000 for highway improvements and \$100,000 for water improvements. To date the Village has received over a million dollars in grant money between the State and County.

BUDGET MODIFICATION:

On a motion by Trustee Conklin seconded by Trustee Dwyer, with all in favor, it was:

RESOLVED, the Board of Trustees authorized the Treasurer to make the following budgetary modification to balance the budget:

FROM:	TO:
A1560 Safety Inspections	A1440.450 Engineering Contractual \$4,490.00

**O C COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AGREEMENT
FY/2016 PUBLIC IMPROVEMENTS: CARPENTER PLACE SIDEWALKS:**

On a motion by Trustee Gormley seconded by Trustee Chan it was:

RESOLVED, the Board of Trustees authorize the Mayor, as official representative of the Village of Monroe, to sign the CDBG 2016 to received Community Development Block Grant Funds, \$285,000, from the US Department of Housing and Urban Development (HUD) as part of the Orange County Urban County Consortium. Said grant is for Carpenter Place Sidewalk Installation.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

MARCH 15, 2016 VILLAGE ELECTION: DATE / TIME / PLACE / OFFICES TO BE FILLED / REFERENDUM:

Pursuant to Section 15-104, General Village Law, the Board of Trustees, at their Regular Meeting, held on February 16, 2016, unanimously adopted the following resolution:

A General Election of the Village of Monroe will be held on March 15, 2016 between the hours of 12 PM to 9 PM, in the Village Hall Boardroom, 7 Stage Road, Monroe, NY.

The following candidates have submitted satisfactory petitions to the Village Clerk and will appear on the ballot:

Trustee – (2 Positions) 4 years each

Irene E. Conklin
Debra E. Behringer

Village Justice – (1 Position) 4 year term

Forrest Strauss

The Village of Monroe uses the Orange County Board of Election's registered voter listing. The last day individuals may register with the County Board of Elections to be eligible to vote in this election is Friday, March 4, 2016.

Please note there is a referendum on the ballot that reads: *“Shall the qualified electors of the Village of Monroe approve the resolution of the Board of Trustees on October 6, 2015 and amended on January 19, 2016 to abolish the Service Award Program for members of the Village of Monroe – Mombasha Fire Company “Defined Benefit Service Award Plan” established 1/1/1996.” Members are currently covered under the Monroe Fire District. Yes or No*

On a motion by Trustee Chan seconded by Trustee Gormley the foregoing notice was accepted and the Clerk was authorized to publish said notice on March 4, 2016.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

BID AWARD PAVEMENT PRESERVATION ADDITIVES & FOG SEAL:

One bid was received and opened on February 5, 2015 for supplying the Department of Public Works with Pavement Preservation Additives and Fog Seal. It was the recommendation of DPW Supt. Smith that the bid be awarded to Sealcoating, Inc. On a motion by Trustee Gormley seconded by Trustee Chan, it was:

RESOLVED, the Board accepted the recommendation of DPW Supt. Smith and award the bid for Pavement Preservation Additives and Fog Seal to Sealcoating, Inc., 825 Granite Street, Braintree, MA 02184 as follows:

Crack Sealing Performance Additive	\$ 2.47/gallon
Fiber Reinforcement	\$18.25/ton
Highly Polymer Modified	\$30.67/ton

Fog Seal

\$ 1.32/square yard of treated pavement

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

BID AUTHORIZATION: CLARKE STREET CULVERT REPLACEMENT:

On a motion by Trustee Chan seconded by Trustee Gormley, it was:

RESOLVED, the Board of Trustees approved advertising for bids for Clark Street Culvert Replacement per specs provided by Lanc & Tully Engineering. Bid will be advertised on February 19, 2016 with bid opening on March 30, 2016 10 AM.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

FY/2017 BUDGET PUBLIC HEARING:

On a motion by Trustee Chan seconded by Trustee Conklin, and carried, it was:

RESOLVED, the Board of Trustees authorized a Public Hearing to be scheduled on March 1, 2016 at 6 PM on the proposed June 1, 2016 to May 31, 2017 Tentative Budget.

OFFER OF DEDICATION FOR STREET CORNER WIDENING – SMITH FARM / BMG MONROE I LLC:

On a motion by Trustee Gormley seconded by Trustee Conklin, it was:

RESOLVED, the Board accepts the Offer of Dedication of the portion of land intended to widen Gilbert Street located within the Village of Monroe, as follows:

- 1] Smith Farm 25' wide road dedication #1 for Highway purposes P&P No. 21147.02
- 2] Smith Farm 25' wide road dedication #2 for Highway purposes P&P No. 21147.02

Be it is further **RESOLVED**, the Mayor is authorized to cause the Offer of Dedication to be filed and do all other things required to secure the Village's interest in said lands, the cost of which shall be paid in full by the owners.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

RESIGNATION: ANDREW MEISLAHN, PARKING ENFORCEMENT OFFICER

On a motion by Trustee Dwyer seconded by Trustee Gormley, it was:

RESOLVED, the Board of Trustees accepted, with regret, the resignation of Andrew S. Meislahn, Parking Enforcement Officer and thanked him for his two years of service and wished him well in his full time employment.

Ayes: Trustees Conklin, Gormley, Dwyer and Chan

Nays: None

GATEWAY PLAZA WATER ACCOUNTS 88 AND 388 PENALTY / INTEREST WAIVER REQUEST:

The property owner contacted Mayor Purcell and DPW Supt. Smith and indicated he will bring payment in tomorrow.

PENALTY WAIVER REQUESTS FOR NOVEMBER WATER BILLS NOT REC'D:

In a memo to the Board, DPW Supt. Smith advised that the following accounts have requested refunds of penalty due to Post Office error. Each resident has claimed not receiving their 11/1/15 Water Bill. All of the accounts have always paid on time according to their billing history which is consistent with their claim. On a motion by Trustee Chan seconded by Trustee Conklin, it was:

RESOLVED, as all of the following accounts have always paid their water bill on time according to their billing history, the Board approved waiver of the penalties accrued for non-receipt of the November Water Bill for the following accounts:

Accounts: 1057 - \$20.88 / 1552 - \$15.12 / 1680 - \$ \$15.30 / 1834 - \$56.13 / 1945 - \$10.68 / 3518 - \$14.28 / 4513 - \$10.29 / 5840 - \$53.34 / 5920 - \$23.49 / 5921 - 14.37 / 5949 - \$19.59 / 7069 - \$104.31 / 7300 - \$6.33 / 7446 - \$33.66

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

PD EQUIPMENT DISPOSITION: DATALUX VEHICLE

On a motion by Trustee Dwyer seconded by Trustee Chan, it was:

RESOLVED, the Board declared the following Police Department equipment surplus and of no value and authorize removal from inventory and disposed of as junk as it is not in working order and authorize the treasurer to remove it from the Police Department's fixed assets:

(l) Datalux (Vehicle Computer) Serial Number 517713

Ayes: Trustees Conklin, Gormley, Dwyer and Chan
Nays: None

MAYOR'S REPORT:

Mayor Purcell announced the Village of Monroe has been awarded a \$200,000 grant for road improvement projects through Senator Larkin's Office. The funding is through the State Municipal Facilities Program (SAM) and administered by the Dormitory Authority of the State of NY (DASNY).

BOARD COMMENT:

Trustee Dwyer gave an update on his assessment / inventory of the Roscoe Smith Estate for restoration. Trustee Dwyer feels the property is worth acquiring and asked the Board to consider sending a letter to the Planning Board and/or the current owner. Trustee Chan asked what the condition is and the cost for refurbishing it. Based on Trustee Dwyer's assessment he said \$1,000,000 to \$1.2 million dollars tops. That assumes certain conditions. The building is relatively intact. It has been vandalized but is structurally sound. A lot of the space is still original. It will require gutting and saving the millwork, flooring and architectural details should remain in place. It is a great building. The rooms have been beat up by vandalism. Door knobs and light switches are missing. Trustee Chan asked how long it would take to restore. Trustee Dwyer said his proposal would be to develop a plan. He hopes to gather interest from the community for the building. A committee who would create a foundation; find new sources including outside grants so the burden is not put on the Village as a whole. Because of that, a timeline of perhaps 5-10 years would be required. The biggest part of the plan is acquiring the land, safe-off the building and let it dry out. Once that is done you won't have vandalism or the elements. Then, start working on the property. Trustee Chan commented, if it will cost one million to restore, would we have to pay prevailing wage or would the work be volunteers doing the work? Trustee Dwyer said we are not looking for a project for the Village to undertake. The Village would own it but under the guise of a project like the Sabre Jet Plane. Trustee Dwyer feels a lot of people will step up both monetary and labor by craftsmen who want to be part of the solution. Trustee Chan asked, once restored, what then? Trustee Dwyer said he sees it used by the Town and Village Historian's, for certain projects, weddings, conferences, Art Council events and people leasing it for certain events. Trustee Chan asked who is going to maintain it. Trustee Dwyer said it may become some of the village's responsibility or perhaps it can be self-sufficient. That is the goal. Trustee Dwyer said he's seen a lot of not-

for-profits sell a window for different parts of projects. Roscoe Smith was the founder of Orange and Rockland and Museum Village . He gave the land for Smiths' Clove Park. He gave us Village Hall. He was involved with the Crane Park land being given to the Village. He was a visionary. Trustee Chan asked Trustee Dwyer if he has spoken to the developer. He was introduced through DPW Supt. Smith. Mr. Frank, the developer was interested in having a conversation. Supt. Smith said originally the developer was giving the Village the house. Trustee Chan said originally the Village had the whole house with the front of the property. The Board a few years ago negotiated to give the house back for additional fees. Supt. Smith spoke to Mr. Frank who is moving forward with his project and is negotiable for whatever we want. Trustee Chan asked how much are all the fees? Mayor Purcell said about \$150,000 in Parkland Fees that would be lost. He was going to take the house down at his expense. Mr. Frank was getting two building lots that would give the village two ratable properties on the tax roll. Trustee Dwyer said there was an agreement some time ago. When the Village tried to acquire it, it wound up in court. Through that court case, there was a settlement. Mayor Purcell said it never made it to court. In 2000 the Village tried to take it by eminent domain. There was a threat of a lawsuit. Negotiations started in 2006 with the owner. The Smith family under Mayor Mancuso said the Village could have the property for 1.8 million dollars. The only lawsuit was the cul-de-sac proposed for the top of Sunset Heights. That was an Article 78 Proceeding. Trustee Dwyer in August 2014 put the motion forth to reject the property as it was cost prohibitive. He is ashamed of that decision today he said. He is glad to have the opportunity to come back and make it right.

Mayor Purcell asked, if the project does not make it five years from now, what do we do? What is the fall out? Trustee Dwyer said the artifacts are critical and speak volume about Roscoe Smith. If the plan fails in a certain time frame, we would have to make a hard decision about the house or someone would pick-up the ball and continue to run with it always moving forward. If we can get this project started by summer of this year, Trustee Dwyer will do a full financial analysis of cost. If we agree, Trustee Dwyer said he will move forward and won't stop. His payment is honoring Roscoe Smith. Mayor Purcell said the dam and bridges are coming out. There will be a retention basin, Supt. Smith said. The stream will continue only smaller. The failing dam will be lowered 2 feet. There will be a wetland after the spillway. The structures get removed. The upstream spillway dam is coming out. The stream goes around the basin to the other side. On the other side of that pond is a road with a house. Trustee Dwyer will keep in contact with Mr. Frank. Mr. Frank has both sets of plans, the original showing us owning the house and a second showing it as part of the subdivision.

SCHOOL ZONE: Trustee Dwyer asked if acquisition of County roads in the Village has been completed. Mayor Purcell said it had. Trustee Conklin and Trustee Dwyer are working with the Police Department to get all the information needed to make North Main Street School a "School Zone". Mayor Purcell said he meet with Attorney Bonacic to discuss regulations for the school zone. We need to reset speed limits on North Main Street, tonnage limit and to limit commercial trucks to local deliveries only. Mayor Purcell has discussed with Trustee Conklin perhaps setting a School Zone at Pine Tree School too. We have to look at the dollar pricing for that too. We are trying to limit the amount of commercial traffic going through the Village.

COLD WEATHER CAUSED PROBLEMS AT WATER PLANT: Trustee Chan had Supt. Smith update the Board on a water problem that occurred over the weekend. The pressure reducing valve froze giving false readings. By the time it was caught we were pretty low. We weren't in danger not has it ever happened before. Our men worked through the night to maintain the plant. We have the capacity for events like this. The Town of Monroe had a problem with the High Ridge Pump Station. They were out of water Sunday and Monday.

PUBLIC COMMENT: #PRESENT 16 TIME: 8:10 PM

Charles Lang had a problem with his November Water Bill. The check was mailed and somehow it went to the Nyack Public School District and was just recently returned. Mr. Lang is looking for penalty relief on that bill. Mayor Purcell told him to write a letter to the Board explaining the circumstances. He was advised to pay the bill in full to avoid further penalties as the matter will have to be scheduled for an agenda and the Board does not meet again until March.

Lorraine Loening commented on the Roscoe Smith property asking Trustee Dwyer about the 5.7 acres. That land would become parkland? It would stay off the tax roll? The million is that for the property or fixing the building? The house and repair to some of the landscaping there, is that budgeted for the 2016 budget? Trustee Dwyer is hopeful we can create some type of foundation, another funding venue outside the Village's budget. His purpose is to acquire the legacy of Roscoe Smith. Attorney Bonacic said for clarification, it is not parkland, it would be village property.

Michelle Hieronoymi asked if the project would be put to a Permissive Referendum. Trustee Dwyer said we are looking to acquire this for nothing. Mrs. Hieronoymi said someone would have to pay the taxes. Trustee Dwyer didn't have any feeling about it one way or another. He said he was totally sensitive to tax dollars as he is setting as a Trustee representing the people of this community. He is looking at this property and saying this is where one of the founders of our community has lived all of his life. You have to maintain that. If you don't know your past, how do you look to your future? That's why he took on this challenge – to honor Roscoe Smith.

Mike Goldstein commented, you are going to get the house for nothing and it is going to cost one million dollars to rehabilitate it and if it all works and people come to see it, where are they going to park on that property? Trustee Dwyer said he hadn't thought about it. On the right side of the property he is looking to see if we can acquire that along with the house. We would develop a parking area there. Mr. Goldstein said you want to pay homage to Roscoe Smith for a million bucks. We could certainly build a small museum that maybe could house some of the artifacts, some of the pictures of the family, a place accessible with parking. I believe in saving where it is due but a million dollars is really pricey, Mr. Goldstein said. Museum Village has the General Store that is not used. Maybe, make a deal with them to honor this man for a lot less money and they have parking and you're not taking property off the tax roll, Mr. Egan said.

Bonnie Franson, 20 Bridge Street commented that she is party to a civilian settlement. She looked at the lawsuit differently. Since 2001, in 14 years it has come, it has gone, eminent domain proceedings, etc. In 2001-2002, the property came up for foreclosure and the Village at that time had an opportunity to purchase it and didn't. It was 800,000 - \$850,000. The current owner purchased it. Subsequent to that, under Mayor Mancuso, the Village tried to start eminent domain proceedings on the property. For whatever reason, it was challenged by the owner and the Village lost. There was talk of going again and doing eminent domain and at that point Attorney Tirschwell decided to sue the village or threatened to sue the village. There was a stipulation of settlement that said if the village allowed the development the number of lots shown on the 1909 subdivision then the village could have the front of the property, i.e., the house, the water wheel, all along Lakes Road basically. Around 2007-2008 the Planning Board was looking to approve the subdivision, Ms. Franson said she discovered a ZBA decision that said this is an undersized lot and you are not entitled to build on this. He then threatened the Village that he was going to file an Article 78 if the village didn't give him what he wanted. He did file an Article 78 and lost. That Supreme Court decision said the 1909 subdivision is not grandfathered and there are no vested rights in it. When Ms. Franson discovered that she showed it to the Planning Board and said this cannot be approved the way it is because it does not comply with current zoning. There was a decision to approve the preliminary plat and Ms. Franson told them she would sue if it was approved. It was approved and she sued. Her contention is they have never been entitled to the number of lots on the subdivision plat. The whole gifting of the house was part of an agreement where you give me the extra lots and you get the house and property. The preliminary plat approval talks about recreation fees. The house and land was not necessarily part of the recreation fees. It was that's what you get for giving us extra lots and our not suing the Village. In the preliminary plat the developer talked about giving \$50,000 to the Village to restore the buildings or keep it in state so it could be repaired. He was also going to fix (repair / renovate) the dam. Ms. Franson said it sounds like there is no agreement between the Village Board, Planning Board and developer. If there was never a signed stipulation of settlement that said we're going to take the house you get the extra lots, why do we have a subdivision with more lots than were shown on the 1909 subdivision map. Mayor Purcell said the Village Board has a resolution that states we don't want the house, we will take the parkland fees. Ms. Franson asked why can't you have the house and the parkland fees. That is the resolution the Board came up with Mayor Purcell said. According to the Planning Board there will be 42 homes not the 1909 subdivision. Everything rests with the Planning Board.

Tammy Rao, 20 Anderson Place, commented on the “No Parking” on Village Streets posted on the Agenda. There is an issue with that in that there is a taxi on Elm Street that parks in the street all the time. Mayor Purcell said you have to look at the hours. Ms. Rao asked what is the protocol when it happens. Reported it to the Police Mayor Purcell said.

Ms. Rao questioned the snow removal rule. Mayor Purcell said 5” or less you have 24 hours to remove it; 6” or more 72 hours to remove it. When it is not done it will be the Building Department’s responsibility. We are working on that legislation now. Ms. Rao said if we have a significant amount of snow there are kids walking to school, it is a safety issue.

Dave Prendergast commented on the Roscoe Smith property development and the Gilbert Street property project asking what percentage of the waste will they contribute to the O.C. Sewer Treatment Plant. Mayor Purcell said he couldn’t give an amount but they were given approval from OCSD #1.

Mr. Prendergast asked about the widening of Gilbert Street. Mayor Purcell said that project is the traffic intersection. They are going to widen it and put in pedestrian crosswalks near Burger King. Increased traffic is a concern for Mr. Prendergast as he lives there.

Susan Prendergast commented on Gilbert Street and the road condition due to the heavy rains. Who is responsible for taking a look at this and allowing this mess today? Mayor Purcell said at 10:30 AM today the Building Department was notified as was the DEC and the Village’s engineer, who checked the site. The contractor failed to remedy the problem. The Mayor reached out to our DPW Supt. Who had the area swept and a bill will be sent to the builder. Mrs. Prendergast said even without the rain the road is horrible and she is irked that the project will go forward. The Village makes sure that everyone is in compliance, we go through all our processes, and there is transparency Mayor Purcell said. Today’s problem was the project manager’s fault not the developer.

Liz Walsh commented on the Gilbert Street project and was referred to the Planning Board Minutes. She also commented that she feels we should be taking a step back in project developments.

EXECUTIVE SESSION:

On a motion by Trustee Chan seconded by Trustee Conklin, and carried, following a five minutes recess the Board convened in Executive Session at 8:45 PM for discussion of attorney client privilege.

OPEN SESSION: On a motion by Trustee Conklin seconded by Trustee Gormley and carried, the open meeting resumed at 9:25 PM.

ADJOURNMENT: On a motion by Trustee Conklin seconded by Trustee Dwyer and carried, there being no further business, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Virginia Carey
Village Clerk

MONTHLY REPORTS:

Department reports were accepted as file on a motion by Trustee Conklin, seconded by Trustee Gormley, with all in favor, the department monthly reports were accepted and filed.

JANUARY 2016 VILLAGE CLERK’S REPORT SUBMITTED BY VIRIGNIA CAREY, CLERK:

- 1] Minutes prepared, associated correspondence completed for the January 1st Meeting, and the January 18, 2016 Meeting
- 2] Permits issued: Handicap Parking: 17
Annual Issuing Agent’s Report submitted to NYS Dept. of Motor Vehicles.
- 3] November Water Rents (Cash & money orders only) collected: \$329.08
- 4] Closed out mailing machine for month on 1/29.
- 5] Attended Budget Workshop for Village Hall & Clerk’s Budget FY/2017 on 1/27/16.
- 6] Bi-Weekly payroll worksheets completed and submitted.

